

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, JUNE 12, 2013

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD
MACOMB, MI 48042

PRESENT: JANET DUNN, SUPERVISOR
MICHAEL D. KOEHS, CLERK
KAREN GOODHUE, TREASURER
DINO F. BUCCI, JR, TRUSTEE
CLIFFORD W. FREITAS, TRUSTEE
ROGER KRZEMINSKI, TRUSTEE
NANCY NEVERS, TRUSTEE

ABSENT: NONE

ALSO PRESENT: Lawrence Dloski, Legal Counsel
Jerome Schmeiser, Planning Consultant
James VanTiflin, Township Engineer Director
(Additional attendance on file at the Clerk's Office)

Supervisor DUNN called the meeting to order at 7:00 p.m. and Clerk KOEHS introduced two Boy Scouts that are working on their Merit Badges, Kyle Wanamaker from Troop #518 and Adam Majestic from Troop #248, who then led the Pledge of Allegiance.

ROLL CALL

1. Clerk KOEHS called the roll and the Board of Trustees was present.
2. Approval of Agenda Items (with any corrections)

The agenda was reviewed and items #5-D-1, #7 and #12 were tabled to June 26, 2013, and item #28 and #29 were added to the Executive Session.

MOTION by BUCCI seconded by KRZEMINSKI to approve the agenda as amended.

MOTION carried.

3. Approval of the Bills

MOTION by NEVERS seconded by GOODHUE to approve both bill runs as presented.

MOTION carried.

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, JUNE 12, 2013

4. Approval of the previous Meeting Minutes from May 22, 2013.

MOTION by KOEHS seconded by FREITAS to approve the meeting minutes from May 22, 2013.

MOTION carried.

5. **Consent Agenda Items:**

A. Clerk's Department:

1. Detention Basin Access Road Bond Release; Strathmore Subdivision; Section 4.

B. Water and Sewer Department:

1. Request Authorization to Pay Advanced Underground Inspection LLC for Storm and Sanitary Maintenance.
2. Easement Encroachment: Lot 108 Jefferson Meadows Subdivision No. 2 Sidwell # 08-30-126-004.
3. Easement Encroachment: Lot 108 Twin River Subdivision No. 1 Sidwell # 08-33-329-003.

C. Human Resources Department:

1. Request for Personal Leave of Absence-Fire Department.
2. Request for Medical Leave of Absence-Fire Department.
3. Request for Personal Leave of Absence-Fire Department.

D. Facility and Grounds Department:

1. Request for Township Wide Security System Upgrade.
(Item 5-D-1 is tabled to the meeting of June 26, 2013)

E. Engineering Department:

1. Request to Authorize Sidewalk Construction; 21 Mile Road west of Card Road.
2. Request for Sanitary Sewer Connection(s); 21 Mile Road west of Card Road.

MOTION by BUCCI seconded by KRZEMINSKI to approve the consent agenda as amended.

MOTION carried.

6. **Public Comments, Agenda Items Only**

NONE

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, JUNE 12, 2013

OLD BUSINESS

7. Discussion regarding sub-contracting SMART Transportation Service to Medstar

(Item #7 is tabled to the meeting of June 26, 2013)

8. Request to Consider MUNIS Service Provider Agreement.

Supervisor Dunn stated the MUNIS Service Provider Agreement is a one year support agreement.

Clerk Koehs stated Mr. Dloski the Township Attorney, has reviewed the agreement and indicated he sees no concerns.

MOTION by KOEHS seconded by GOODHUE to authorize the Supervisor to sign the one year MUNIS Service Provider Agreement with Tyler Technology as quoted.

MOTION carried.

NEW BUSINESS

9. Request to Renew Membership and Pay Annual Dues; Michigan Townships Association.

MOTION by KRZEMINSKI seconded by GOODHUE to renew the Township's membership in the Michigan Townships Association and to pay the annual dues.

MOTION carried.

10. Request Authorization to Open Bank Account for Historical Commission.

Treasurer Goodhue explained the purpose of the account. It is for the deposit of donations by Pay-Pal or payments for expenses as related to the Historical Commission. Treasurer Goodhue also stated the account will be subjected to the same guidelines of receipting and reconciling as is other Township accounts and has been reviewed by Plante Moran and the Township Attorney and they both found the account to be acceptable.

Clerk Koehs asked Treasurer Goodhue what type of account would be used for the Historical Commission. Treasure Goodhue responded the account would be a checking account and will fall under the office of the Treasurer and be audited. Clerk Koehs stated that the monies will be handled by the Finance Department and be processed the same as all other Township accounts.

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, JUNE 12, 2013

MOTION by GOODHUE seconded by KRZEMINSKI to authorize the Treasurer to open a checking account for the Historical Commission.

MOTION carried.

11. Request to Consider an Agreement for Engineering Services.

Jim Van Tiflin, Township Engineer, is requesting to hire an additional Engineering Consultant firm to assist the Township. Mr. Van Tiflin mentioned the Townships current Engineering Consultant is SDA and stated they did a great job guiding the Townships during its growth period. Mr. Van Tiflin stated since his hire he has been looking at services the Township will need through the next growth spurt and changes in regulatory compliances that will be coming. Mr. Van Tiflin mentioned he has reviewed several engineering firms with additional capabilities and he envisions in the future going with multiple consultants. At this time Mr. Van Tiflin will concentrate on the general service and presented a service agreement to the Board for Anderson, Eckstein and Westrick, Inc. Mr. Van Tiflin recommends entering into the service agreement, subject to the review of the Township Attorney. Mr. Van Tiflin mentioned there are a number of records that will have to be retrieved from the current consultant and there may be a charge for the records.

MOTION by BUCCI seconded by KRZEMINSKI to enter into an agreement after a review by the Township Attorney with Anderson, Eckstein and Westrick, Inc. for engineering services as requested.

MOTION carried.

12. Request to Consider Information Technology Proposal for Services.

(Item #12 is tabled to the meeting of June 26, 2013)

13. Request to Reappoint a Member of the Building Authority.

Supervisor Dunn recommended Mr. Jim Gelios to be reappointed to the Building Authority for a 3 year term ending June 30, 2016.

MOTION by KOEHS seconded by GOODHUE to reappoint Mr. James Gelios to the Building Authority for a three year term ending June 30, 2016.

MOTION carried.

HUMAN RESOURCES DEPARTMENT

14. Authorization to Extend Offers of Employment-Fire Department.

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, JUNE 12, 2013

Mr. Brogowicz, Human Resource Director, addressed the Board requesting extending employment for 6 applicants for the open positions of Recruit or Paid- On-Call Firefighter. The Selection Committee is recommending the following Firefighter applicants for hire: Jerrod Apel, Neil Childs, Jason Krozek, Mathew McKelvet, Michael Risk and Jeremy Rodzos contingent on a successful completion of post offer, pre-hire requirements.

MOTION by KRZEMINSKI seconded by GOODHUE to extend offers of employment to Jerrod Apel, Neil Childs, Jason Krozek, Mathew McKelvet, Michael Risk and Jeremy Rodzos contingent on a successful completion of post offer, pre-hire requirements.

MOTION carried.

15. Letter of Request from MAFF regarding Grievance 13-002.

Mr. Brogowicz, Human Resource Director, stated a request from Joseph O'Connor a Labor Relation Specialist for Michigan Association of Firefighters was received in regards to grievance No. 13-002 termination of an employee. MAFT requested this matter be placed as an appeal and had no further information to present to the Board and are waiting on the Boards decision regarding the appeal.

Clerk Koehs stated the Board has already reviewed the initial decision for the termination and MAFF has not submitted any additional information.

MOTION by KOEHS seconded by KRZEMINSKI to deny the appeal for Grievance # 13-002.

MOTION carried.

16. Authorization to Promote Employee No. 1312.

Mr. Brogowicz, Human Resource Director, was requesting the Boards approval to promote Cynthia Blank to Administrative Assistant.

MOTION by FREITAS seconded by GOODHUE to approve the request to promote Employee 1312 to Administrative Assistant.

MOTION carried.

PARKS AND RECREATION

17. Request to Lease New Cardio Exercise Equipment.

Sal DiCaro, Parks & Recreation Director, is requesting the approval to lease Cardio Exercise Equipment. Mr. DiCaro stated he received six bids regarding the Cardio

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, JUNE 12, 2013

Equipment and is requesting to least 33 pieces of equipment from All Pro Exercise at \$124,335.00, 29 pieces from Direct Fitness at \$126,940.00 and 4 pieces from Fitness Thing at \$22,776.00 for a total of \$274,051.00 but with a 25% residual buy back and \$6517.00 discount for paying yearly instead of monthly the Townships cost would be \$228,126.00 for a three year lease with full warranty on labor and parts. Mr. DiCaro also thanked Gina Muszunski for doing such a fine job overseeing this project.

MOTION by BUCCI seconded by NEVERS to approve the lease for Cardio Equipment in the amount Two Hundred Twenty-Eight Thousand One Hundred Twenty-Six Dollars (\$228,126.00).

MOTION carried.

Sal DiCaro, Parks & Recreation Director, informed the Board that at the last meeting there was an individual who approached the Board for an appeal on a F.O.I.A. request that was denied by the Board for the release of addresses and phones numbers of all the Dial-A-Ride riders. Mr. DiCaro stated since that meeting he has received numerous phone calls that the individual has been contacting the ridership and that they are upset thinking the Township gave out that information. Mr. DiCaro wants the riders and Board to know that the Township absolutely had nothing to do with the release of those numbers and that he checked and legally there is nothing that can be done.

PLANNING

18. **Request for Extension of Time;** Battaglia Subdivision, Section 36; Located on the east side of North Avenue, approximately 1,341' north of Hall Road. Lehner Findlan Associates, Petitioner. Permanent Parcel No. 08-36-303-024.

Jerry Schmeiser, Planning Consultant, mentioned the original approval was granted in 2004 and is recommending approval for the Extension of Time for the Tentative Preliminary Plat for the Battaglia Subdivision to the Township Board including the provision of a 16' gate be added for access so the landscape area can be maintained.

Bill Thompson was present for the petitioner to answer any question the Commission may have regarding the Extension of Time for the Battaglia Subdivision.

MOTION by KRZEMINSKI seconded by NEVERS to approve a 1 year Extension of Time for the Tentative Preliminary Plat for Battaglia Subdivision until June 23, 2014. Located on the east side of North Avenue, approximately ¼ mile north of Hall Road; Section 36; Permanent Parcel No. 08-36-303-024.

MOTION carried.

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, JUNE 12, 2013

19. **Request to Approve Rezoning Request;** Agricultural (AG) to Residential, One Family Urban (R-1) Located on the south side of 26 Mile Road, 750 feet east of Romeo Plank Road. Sebastiano Biondo, Petitioner. Permanent Parcel No. 08-05-100-002.

Jerry Schmeiser, Planning Consultant, stated the parcel is 10 acres in size with 204 feet of Right-of-Way for 26 Mile Road and is not located in a 100 year flood plain. The Planning Commission reviewed this request and recommended approval to the Board of Trustees.

Bill Thompson was present for the petitioner to answer any questions the Commission may have regarding the rezoning request.

MOTION by KOEHS seconded by GOODHUE to approve the Rezoning of Parcel 08-05-100-002 from Agricultural (AG) to Residential (R-1) as recommended by the Planning Commission.

MOTION carried.

20. **Request Approval for Extension of Time for Final Preliminary Plat;** Pinnacle Farms Subdivision; Located approximately ½ mile south of 23 Mile Road and ¼ mile east of North Avenue; Section 24. Landtec of Macomb LLC, Petitioner. Permanent Parcel No. 08-24-276-003.

Jerry Schmeiser, Planning Consultant, stated that lots 8, 9 & 27 do not comply with the amended Ordinance No.10.0348 which requires a minimum of 55 feet at the front property line of a curved street. Mr. Schmeiser also stated the Water & Sewer Construction Permits have expired and all permits and approvals must be updated prior to issuance of construction permits. The Planning Commission recommends approval for 1 year.

MOTION by FREITAS seconded by GOODHUE to approve the extension of time for the Final Preliminary Plat for the Pinnacle Farms Subdivision, Permanent Parcel 08-24-276-003; located approximately ½ mile south of 23 Mile Road and ¼ mile east of North Avenue with the following conditions:

1. **The petitioner submits evidence to the satisfaction of the Township Engineer that required approvals have been secured from the following agencies in compliance with Sections 17-87 to 17-90 of Chapter 17 of Macomb Township Code of Ordinances, Land Division Regulations;**
 - a. **Macomb County Road Commission**
 - b. **Office of Public Works Commission of Macomb County**
 - c. **Macomb County Health Department**
 - d. **Macomb County Planning Commission**
 - e. **Michigan Department of Environmental Quality**
 - f. **All public utility companies affected.**

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, JUNE 12, 2013

- g. That a by-pass lane(s) be developed on the abutting major road(s) subject to the approval of the Macomb County Road Commission and the Township Engineer. Also, that any connecting sidewalk tying the plat to any public street be installed by the petitioner.
2. The Township Engineer approves all engineering plans for the computed plat.
 3. That any detention area meet the requirements of the Township Engineers and any Special Assessment District (SAD) be approved by the Township Board.
 4. Further that the Township Engineer be satisfied that those conditions imposed as part of the tentative plat approval shall be incorporated into the Final Preliminary Plat.
 5. That all lots within the Tentative Preliminary Plat meet the requirements of the Township Zoning Ordinances.
 6. Flood Plain Map Amendments and or Requirements. Please be advised that it is the responsibility of the applicant to seek and obtain any map revisions or amendments to the flood plain map as prepared by FEMA, through the Michigan Department of Environmental Quality (MDEQ). Further, MDEQ must review and approve any amendments or map revisions that reflect the lower amendment on the flood plain map prior to the issuance of any building permits.
 7. That the petitioner comply with all pertinent codes and ordinances, and guarantee that dimensions, acreage, figures, and recorded easements in connection with this plat are true and accurate as they provide the basis for this recommendation.
 8. That the "20 ft. common area for landscaping purposes" be developed in accordance with the provisions of the Land Division Ordinance of Macomb Township. A plan for the area must be prepared by a registered landscape architect and include a layout of plants proposed for the area, an irrigation system including sprinklers, mulching materials for planting beds and details for the installation of all features of the plan. Also to be included is a cost estimate for the development of the area. Said cost list to be prepared by the registered landscape architect who prepared the plan.
 9. That a bond in the amount of \$30,000 be posted assuring the development of the "landscape easement." The "landscape easement" is that area to be labeled on the plat as, "The entire common area is subject to a private easement dedicated to the ownership association for landscaping." The

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, JUNE 12, 2013

bond must be posted with the Macomb Township Treasurer prior to the acceptance of the application for Final Preliminary Plat.

10. **That the tentative preliminary approval expires one year from the date of Township Board approval. It is not the responsibility of Macomb Township to notify the petitioner prior to the expiration date of this approval. Please make note of the above date. Any application for extension must be received by this office prior to the expiration date.**
11. **All street names must be cleared by the Township Supervisor for purposes of continuity prior to preparation of the final plat. Therefore, the petitioner shall submit two (2) copies of the plat to the Supervisor's Office for addressing. Addresses will be assigned after Final Preliminary Plat approval by the Township Board.**
12. **That the petitioner submits two (2) copies of the restrictive covenants that will be recorded with the plat. Said covenants must include an article to provide the perpetual maintenance of all limited common that may include regulated wetlands, landscape areas, and floodplains. The covenants must be submitted with the application for Final Preliminary Plat.**
13. **That a revised preliminary plat showing Lots 8, 9 and 27 being amended to comply with the Zoning Ordinance. Further that all earlier conditions remain in full force and effect.**
14. **That all permits and approvals must be updated prior to the issuance of a construction permit by the Water and Sewer Department.**

If a 'phasing plan' has not been submitted it is assumed that this subdivision will be developed in one phase. Please be advised that any revisions to the phasing plan for this plat must be reviewed and approved by the Planning Commission and Township Board and incorporated into the Tentative Preliminary Plat as a Revised Tentative Preliminary Plat.

MOTION carried.

21. **Request Adoption of Records & Information Management Policy.**

Charles S. Pierce, Records Manager, explained the adoption of Records & Information Management Policy and what it entails. It defines the common terms of SCOPE. SCOPE is used by the Township in defining the records we have and is consistent with what the State has put out. Mr. Pierce mentioned since the drawdown on government personnel there has been a lapse in updating the authorities and responsibilities for individuals in local government as it pertains to records. Mr. Pierce stated this document lays out the scope for the chain of custody for destruction, retention and incorporates future record management media retentions schedule guidelines to insure anything that we bring in digitally follows

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, JUNE 12, 2013

exactly what would have to be done with paper. The policy also places a retention period on E-mails. Mr. Pierce stated with the adoption of this policy the Township will be somewhat further ahead of most municipalities.

MOTION by KRZEMINSKI seconded by NEVERS to adopt the Records & Information Management Policy as submitted.

MOTION carried.

Public Comments, Non-Agenda Items Only - (3 minute time limit)

Sally Williamson read the Township Ordinance regarding Fireworks and spoke to the Board stating her concerns with the constant noise sounding like a war zone from the fireworks being set off all hours and any day of the week. Mrs. Williamson is asking for stricter laws and enforcement regarding Fireworks.

BOARD COMMENTS

22. Supervisor Comments

NONE

23. Clerk Comments

NONE

24. Treasurer Comments

NONE

25. Trustees Comments

Trustee Freitas requested to develop a committee for the Security Camera upgrades for the Township and stated he has spoken to some of the Board members and would like Michael Koehs (Clerk), Jason Gelle, Roger Krzeminski (Trustee) and himself, Clifford Freitas, to sit on the committee.

MOTION by KRZEMINSKI seconded by NEVERS to approve a committee for the Security Cameras for Macomb Township as recommended by Mr. Freitas.

MOTION carried.

Trustee Bucci is requesting to allow the Township Engineer to conduct a study of the Conklin Drain and bring their findings to the Board. Trustee Bucci stated he has had complaints from members of 4 different subdivisions that the drain impacts along the

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, JUNE 12, 2013

21 Mile and North Avenue area. The study will allow the Township to find out the cost to cleanout and restore the Conklin Drain.

MOTION by BUCCI seconded by KRZEMINSKI to approve the request for the Township Engineer to do a study on the Conklin Drain.

MOTION carried.

Trustee Bucci informed the Board that he will report his findings on the professional services of the Township to the Board with his recommendations and they may act as they see fit. Trustee Bucci stated it is an opportunity for the Board to review and make recommendations.

Trustee Krzeminski thanked Sal DiCaro, Michelle Duda and Peggy Accardo, who is part of the Historical Committee, for a great job regarding the Tons-of-Trucks program. Trustee Krzeminski informed the Board that the Macomb Community Foundation will be installing bricks in the near future and if anyone would like to order a brick to contact Trustee Nevers or himself for an application. Trustee Krzeminski addressed Mrs. Williamson's complaint regarding fireworks and stated to call the Sheriff's and they will issue a violation.

MOTION by BUCCI seconded by KOEHS to adjourn to Executive session at 7:43 p.m.

MOTION carried.

The Board returned to regular session at 8:48 p.m.

EXECUTIVE SESSION

26. Proposed Settlement of 2011 through 2013 MI Tax Tribunal Appeal; Docket No. 416826.

MOTION by KOEHS seconded by FREITAS to authorize Legal Counsel to sign the Consent Judgment.

MOTION carried.

27. Proposed Settlement of 2012 through 2013 MI Tax Tribunal Appeal; Docket No. 436453.

MOTION by KOEHS seconded by BUCCI to authorize Legal Counsel to sign the Consent Judgment.

MOTION carried.

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES AND PUBLIC HEARING
WEDNESDAY, JUNE 12, 2013

28. M & C Limited vs. Macomb Township.

MOTION by KOEHS seconded by FREITAS to reject the settlement proposal.

MOTION carried.

29. Attorneys legal opinion regarding discipline, Fire Department Personnel.

Motion by KOEHS seconded by KRZEMINSKI that Firefighter #1065 be demoted from his current position to firefighter and that he be suspended for 14 days from being available for Stand-By; and, further, that Firefighter #1024 is to receive a written warning and be suspended for 14 days from being available for Stand-By; and further, that Firefighter #1030 is to receive a written warning.

MOTION carried.

Motion by KOEHS seconded by FREITAS that Firefighter #1065 is to receive a written warning and that Firefighter #1024 is to receive a written warning and that he is not permitted to drive any of the department vehicles until such time as he has completes the State of Michigan Drivers Training Course at his own expense and on his own time.

MOTION carried.

ADJOURNMENT

MOTION by BUCCI seconded by FREITAS to adjourn the Board of Trustees meeting at 8:52 p.m.

MOTION carried.

Respectfully submitted,

Janet I. Dunn
Macomb Township Supervisor

Michael D. Koehs, CMC
Macomb Township Clerk